

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

## RALPH HOWARD BLAKELY,

Petitioner,

V.

KENNETH ANTHONY QUINN,

## Respondent.

NO. CV-07-316-RHW

## **ORDER DENYING MOTION FOR RECONSIDERATION**

Before the court is Petitioner’s Motion for Reconsideration of Petition for Writ of Habeas Corpus (Ct. Rec. 41). The Court finds that because this motion was filed more than ten days after the entry of judgment dismissing Petitioner’s Petition for Writ of Habeas Corpus, it is untimely and cannot be considered under Fed. R. Civ. Pro. 59(e). The Court thus construes Petitioner’s motion as a Motion for Relief from a Final Judgment under Fed. R. Civ. Pro. 60(b). The Court finds that the motion reiterates the arguments and evidence advanced in Petitioner’s original petition, and thus fails to present any new evidence, identify a change in controlling law, or identify any clear error in this Court’s entry of judgment. As such, Petitioner’s motion fails to satisfy any of the factors necessary for reconsideration as set forth in the case law. *See, e.g., Nunes v. Ashcroft*, 375 F.3d 805, 808 (9<sup>th</sup> Cir. 2004).

**Accordingly, IT IS HEREBY ORDERED:**

1. Petitioner's Motion for Reconsideration of Petition for Writ of Habeas Corpus (Ct. Rec. 41) is **DENIED**.

**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS \*** 1

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward copies to counsel and Petitioner.

**DATED** this 29<sup>th</sup> day of September, 2008.

S/ Robert H. Whaley

ROBERT H. WHALEY  
Chief United States District Judge

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**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS \*** 2